

March 25, 2003

// A special meeting of the Council of the City of Lynchburg, recessed from March 11, was held on the 25th day of March, 2003, at 11:30 A.M., in the Riverviews Restaurant, Wachovia Building, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a joint meeting with the Industrial Development Authority Board. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson welcomed everyone to the meeting. Economic Development Director Ed Miller provided an update regarding current as well as future Industrial Development Authority (IDA) activities. Following the presentation, Mayor Hutcherson on behalf of City Council thanked the members of the IDA for the fine job they are doing on this Board.

// The meeting was recessed at 12:30 p.m. to 1:00 p.m., City Hall, to conduct a work session regarding several items.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from its earlier 11:30 a.m. meeting, was held on the 25th day of March, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to consider several items and to continue staff presentations regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Absent:

0

// City Council discussed the various 2003-2004 Community Development Block Grant (CDBG) and HOME Program projects to establish priorities among the proposed projects. Council Member Joan Foster stated that she would not participate in the discussion or award of CDBG funds because her employer has submitted a request for CDBG funding. In response to Council questioning, City Manager Kimball Payne noted that there are several hundred thousand dollars currently in various funds for housing demolition purposes. Vice Mayor Dodson stated that in light of Mr. Payne's statement, that he would recommend taking \$79,500 from the Housing Stabilization Program and distribute those funds as follows: (1) Seeds For Life Housing Rehabilitation Program – increase by \$4,500 or for a total of \$66,478; and (2) Jubilee Occupational Outreach Program & Feeder Program -- \$75,000. Following discussion, the remaining six Council Members reached consensus to support the recommendations of the Community Development Advisory Committee with the above changes.

// City Manager Kimball Payne presented information regarding the process for changing City Council elections from May to November in response to an earlier request from a Council Member. Council Members discussed the advantages and disadvantages of changing the date. Several Council Members commented that although changing the date to coincide with the national elections would save a small amount of funding, you would lose the local nature of City Council elections. Following discussion, City Council decided not to pursue changing the City Council elections from May to November.

// Information Technology Director Mike Goetz along with representatives from Ntelos, Inc., the company who purchased the City's fiberoptic network, provided an update regarding the progress Ntelos has made to-date to meet the telecommunications needs of the Lynchburg community.

// Municipal staff provided an overview regarding a draft Traffic Control Plan for street closures and traffic detours related to several construction projects that will be active during the next 12-18 months in the Downtown area. Staff provided a brief overview of each of the projects. Some Council Members stated that several of the businesses on Main Street had expressed concern regarding the closure of the Main Street intersection for nine weeks. Staff noted that the downtown businesses have been and will continue to be informed of the street closures and traffic detours, and that everything will be done to try to alleviate any potential negative impact on those businesses. In response to Council questioning, staff explained that a final Traffic Control Plan would be forwarded to City Council at the April work session.

// City Manager Kimball Payne presented information regarding the City's Workplace Violence Policy. Mr. Payne stated that since the policy was amended last year, that it didn't appear to have had any effect on

City employees. Vice Mayor Dodson explained that the current Workplace Violence Policy creates possible liability expenses for the City because it allows an employee, with the proper permit, to bring a concealed weapon on City property. Vice Mayor Dodson proposed adding a phrase to the current policy that would prohibit the "possession of any kind of weapon in City buildings or in City-owned or leased vehicles." Vice Mayor Dodson went on to say that the change has nothing to do with an individual's constitutional rights, only with lessening City liability. Other Council Members argued that City employees should have the right to protect themselves, that it could create possible liability expenses for the City if they are not allowed to defend themselves, and that if an individual wants to commit harm to another individual, having a rule like this would not prevent that type of violence. Others noted that the current policy seemed to be working and were reluctant to make any changes. Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to amend the Workplace Violence Policy by adding language that would prohibit the possession of any kind of weapon in City buildings or in City-owned or leased vehicles. Council Member Seiffert made a substitute motion, seconded by Council Member Adams, to leave the Workplace Violence Policy as-is, and Council by the following recorded vote approved the substitute motion:

Ayes: Adams, Garber, Seiffert, Hutcherson

4

Noes: Barksdale, Dodson, Foster

3

// During roll call, Council Member Garber requested a status report regarding an earlier request for the City to adopt an ordinance regarding used car lots, and an update regarding recent concerns from the Lynchburg College neighborhood. Council Member Barksdale reported receiving a number of telephone calls regarding vicious dogs at 51 Taylor Street. Council Member Foster reported receiving a number of telephone calls from Cleveland Avenue residents regarding the loud noise being generated from Mario's Pizza during the late evening hours and questioned if staff could determine if they are in violation of any City ordinances. Council Member Adams inquired regarding the status of HB1678 dealing with rental inspection programs and a status report regarding proposed changes in the State's hunting regulations, especially as they apply in urban areas. City Manager Payne provided an update regarding HB1678 and noted that he is still working on that other issue. Council Member Adams also inquired if any progress had been made in reducing the deer population since allowing bow hunting within the City, and what the City plans to do to address concerns regarding the spread of the West Nile Virus to humans. Vice Mayor Dodson requested status reports regarding the Jefferson Street Façade program and recent concerns regarding proposed seating at the City Stadium. Mayor Hutcherson distributed information regarding upcoming Friday Cheers and suggested scheduling a welcome for Human Services employees during one of those evenings. In response to Mayor Hutcherson's request regarding maintenance responsibility of Meriwether Street, staff agreed to fix the holes if it is determined to be a public street.

// Prior to discussing Council Member Foster's participation in the budget process, Council Member Foster stated that she would abstain from any discussion and vote taken with regard to this matter. The remaining City Council members discussed the most recent opinion from the Commonwealth Attorney,

which states that Council Member Foster can participate in budget deliberations regarding all funding of all agencies and departments except for the Alliance for Families and Children, but that she cannot vote on approval of any portion of the budget that includes an appropriation to the Alliance, which would include the General Fund and the Community Development Block Grant Fund. The Commonwealth Attorney's opinion noted that funding to the Alliance at the current level was no longer a budget issue due to action taken by City Council on November 26, 2002, to revoke the existing policy on City funding of non-profit agencies and directing that currently funded non-profit agencies would continue to receive the same level of funding in the FY2004 Operating Budget. City Council discussed the two resolutions presented, i.e., the first resolution would separate funding for Civic, Community & Regional Organizations from the appropriation for the General Fund and consider that appropriation by separate resolution, and the second resolution would separate funding for the Alliance for Families and Children from Civic, Community & Regional Organizations in the General Fund and consider the appropriation of funds for that organization by separate resolution. Council Member Adams stated that the responsibility of resolving the conflict issue rests with Council Member Foster and that taking a separate vote on funding to community organizations would be a clear and direct method of circumventing the intent of the State law. Mr. Adams went on to say that breaking off the \$6 million that contains the Alliance's funding seems to him to create two separate budgets that come from the same funding source. Mr. Adams also noted that it was his understanding that when City Council voted in November not to make any changes to the list of non-profit agencies currently being funded through the budget process, that those agencies and the amounts of funding would be discussed during future budget deliberations. Council Member Garber noted that he along with several other Council Members have had to give up the possibility of their respective businesses having contracts with the City when they took office. Mr. Garber suggested eliminating funding to the Alliance and moving forward with the budget process. Some Council Members commented that Council Member Foster was elected by the people and should be able to participate in the budget deliberations, especially since she is an employee of the Alliance and does not stand to gain from her participation in the budget deliberations. In response to Council questioning, City Attorney Walter Erwin explained the difference between former Vice Mayor Hobbs' participation in the budget process and Council Member Foster's participation. Following discussion, and on motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-054, as presented, to separate funding for Civic, Community & Regional Organizations from the appropriation for the FY 2004 General Fund and to present the appropriation for those organizations by separate resolution:

Ayes: Barksdale, Dodson, Seiffert, Hutcherson	4
Noes: Adams, Garber	2
Abstention: Foster	1

// Due to time constraints, the Parks and Recreation Department was the only budget presentation heard.

// The meeting was adjourned at 4:52 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of March, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson announced that the City has received a bid from The Awareness Garden Foundation for the development and management of the Awareness Garden located at the Ed Page Entrance on the James River Heritage Trail. Mayor Hutcherson then inquired if there were any other bids to be presented? No further bids were received.

// Copies of the minutes of the March 11, 2003 (two meetings) meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R 03-045 appropriating \$200,000 for the purpose of obtaining and updating a water and sewer maintenance software application for the Geographic Information System, laid over from the March 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R 03-046 appropriating \$126,915 from auction proceeds to supplement the fleet replacement program, laid over from the March 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – Emergency Preparedness, Resolution #R 03-047 appropriating \$56,563, fully reimbursable, for the funding of emergency response equipment, laid over from the March 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R 03-050 authorizing the sale of a City owned parking lot at 1329 Commerce Street to Bluffwalk Center, LP, for \$25,200, laid over from the March

11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R 03 055, as presented, authorizing the City Manager to enter into an agreement with Long Meadows, Inc. (LMI) to reimburse for the construction of the waterline in New Town Section 5:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Sheriff, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R 03 056, as presented, appropriating \$2,000 to fund the purchase of two software licenses for the Sheriff Department:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Schools – General, a public hearing was held regarding City Council Report #8 regarding approving the leasing of the E. C. Glass High School property, at 2101 Langhorne Road, Parcel Numbers 4-2-2 and 4-2-3 to 2111 Memorial Ave., LLLP, a limited partnership in order for the E. C. Glass High School renovation/restoration project to be eligible for historic tax credits. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-057, as presented, approving the leasing of the E. C. Glass High School property, at 2101 Langhorne Road, Parcel Numbers 4-2-2 and 4-2-3 to 2111 Memorial Ave., LLLP, a limited partnership in order for the E. C. Glass High School renovation/restoration project to be eligible for historic tax credits:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #9 regarding approving a license agreement between the City of Lynchburg and Bluffwalk Center, LP, to allow Bluffwalk Center to use an unopened section of Commerce Street (approximately 9,400 square feet) located directly adjacent to 1329 Commerce Street to facilitate the use of their downtown business by providing parking for the future Bluffwalk Center. Ms. Lynn Cunningham, representing Bluffwalk Center, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-058, as presented, approving a license agreement

between the City of Lynchburg and Bluffwalk Center, LP, to allow Bluffwalk Center to use an unopened

section of Commerce Street (approximately 9,400 square feet) located directly adjacent to 1329 Commerce Street to facilitate the use of their downtown business by providing parking for the future Bluffwalk Center:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Parks & Recreation - General, City Council Report #10 regarding awarding of a franchise for the development and management of the Awareness Garden located at the Ed Page Entrance was considered. City Manager Kimball Payne outlined the request and asked that City Council award the franchise to the only group that submitted a bid, The Awareness Garden Foundation. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0 03 059, as presented, granting a franchise to The Awareness Garden Foundation for the development and management of The Awareness Garden located at the Ed Page Entrance on the James River Heritage Trail:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of CATV, City Council Report #11 regarding an extension of the current Cable Television Franchise Agreement between the City and Adelphia Cable Communications was considered. City Attorney Walter Erwin outlined the request. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R 03 060, as presented, approving an extension of the current Cable Television Franchise Agreement between the City and Adelphia Cable Communications through March 10, 2004:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #12 regarding support of the Amherst County River Walk Trail Extension Project was considered. City Manager Kimball Payne outlined the request. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R 03 061, as presented, approving support of the Amherst County's River Walk Trail Extension Project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Taxes, Resolution #R 03-049 appropriating \$25,812 to refund overpayment of business license taxes by Phillips Staffing, Inc. for calendar years 2000, 2001 and 2002, laid over from the March 11, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson 6

Noes: Dodson 1

// In the matter of Public Works - Sewer, Resolution #R 03-053 appropriating \$2,400 for sewer availability and connection fees to allow the connection of Sandusky to public sewer, laid over from the March 11,

2003 meeting, was again presented and read. Council Member Seiffert stated that he would abstain from voting on this item since he and his wife are members of the Sandusky Foundation. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson	6
Noes:	0
Abstention: Seiffert	1

// On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel concerning a specific legal matter regarding the former Ericsson property which requires the provision of legal advice as permitted by Section 2.2-3711(A) (7), of the Code of Virginia:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// The meeting was re-opened to the public.

// Council Member Foster made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// The meeting was recessed at 5:35 P.M. to April 1, at 2:00 P.M., to continue with budget presentations and to conduct a work session on the Proposed FY 2004-2009 Capital Improvement Program.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from March 25, was held on the 1st day of April, 2003, at 2:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to continue staff presentations regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

6

Absent: Dodson

1

// Individual budget presentations were conducted, i.e., Community Planning and Development, Economic Development, Non-Departmental, Greater Lynchburg Transit Company, Fleet Services, Airport Fund, Risk Management, and City/Federal State Aid Fund. Prior to discussing the Civic, Community and Regional Organizations, Council Member Foster stated that she would abstain from any discussion regarding this item. During the budget presentations, City Council requested more detail information regarding several of the training/travel requests, and a listing of businesses that have located or expanded their location due to contact via the Economic Development Office.

// City Council conducted a work session regarding the FY 2004-2009 Capital Improvement Program (CIP). City Manager Kimball Payne provided an overview regarding several of the current as well as new projects. In response to Council's questioning, City Manager Payne provided a status report regarding the Old Graves Mill Road Relocation project. Council Member Seiffert expressed concern regarding the amount of funding in the CIP for street paving and suggested that Council may want to determine if additional funds are available for street maintenance.

// City Manager Payne stated that budget presentations are now complete and that at the April 8 work session, staff plans to review the latest revenue projections prior to the joint meeting with the School Board. Following the meeting with the School Board, City Council will need to decide if a work session is needed the afternoon of April 15 prior to the budget public hearing. Mr. Payne also noted that he would forward to City Council on Thursday the list of outstanding budget issues.

// The meeting was recessed at 4:07 p.m. to April 8, at 4:00 p.m., to continue with budget deliberations and to conduct a joint meeting with the School Board regarding the Schools Proposed FY 2004 Budget.

Clerk of Council